IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.52635-M of 2006

DATE OF DECISION:19.10.2006

Shambu .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Ms. Promila Nain, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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Petitioner Shambu apprehending his arrest in a non-bailable offence in case FIR No. 172 dated 15.8.2006 under Sections 427,452,248,149,506 and 120-B IPC, registered at Police Station Focal Point, Ludhiana has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that in the aforesaid case, the petitioner has been falsely implicated. Counsel further contends that the aforesaid FIR has been lodged after a delay of 20 days and the only non-bailable offence is under Sections 452 and 506 IPC.

Counsel for the petitioner further contends that in view of the order dated 1.9.2006, the petitioner has joined the investigation. Counsel for the respondent-State on instructions from Malkeet Singh, Head Constable does not dispute this fact and further states that the petitioner is no more required for custodial interrogation.

In view of the above, the interim bail, granted vide order dated 1.9.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 19, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**